IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTHDAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 6019 of 1998

Between:

S.Kesavarao s/o Venkatanarayana, 51 years, Teacher,

Warangal District.

..... PETITIONER

AND

1. The State of Andhra Pradesh, rep. By its Secretary, Education Department, Secretariat Buildings, Hyderabad.
2. The Director of School Education, Andhra Pradesh, Saifabad, Hyderabad.
3. Regional Joint Director of School Education, Warangal Region, Hanamakonda, Warangal District.
4. The District Educational Officer, Warangal District at Hanamakonda.
5. The Correspondent, Vani Nikethan High School, Deenabad Colony, Warangal, Warangal District.
6. The incharge Head Master, Vani Niketan High School, Deenabad Colony, Warangal, Warangal District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass orders, declaring the inaction of the 5th respondent in implementing the orders of the 4th respondent in Rc.No.19883/A3/B1/91, dated 9-7-1993 which were confirmed by the Director of School Education in his proceedings 2305/D1-4/93, dt.3-1-1998 and inaction of the respondents 1 to 4 in not taking action against the respondents 5 and 6 for violating their orders to withdraw to withdraw the reversal order as arbitrary, illegal and violative of Articles 14, 21 and 311 of the Constitution of India and the A.P.Educational Rules and consequently direct the respondents to restore the office of the Head Master to the Petitioner and grant such other relief as this Hon'ble High Court may deem fit and proper.

Counsel for the Petitioner:MR.K A S AJAGANMOHAN REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR SCHOOL EDUCATION

Counsel for the respondents 5 & 6: None appeared.

The Court made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking implementation of the orders of the 4th respondent in Rc.No.19883/A3/B1/91 dated 09-07-1993 as confirmed by the 2nd respondent in proceedings No.2305/D1-4/93 dated 03-01-1998.

It is stated that initially the petitioner was appointed as School Assistant with effect from 01-01-1976 in the 5th respondent school. While so, as the post of Head Master fell vacant due to retirement of the person, the management, on the basis of the seniority and qualification of the petitioner, passed a unanimous resolution on 23-04-1998 permitting him to act as Headmaster. The 5th respondent issued proceedings No.124 dated 24-04-1989 promoting the petitioner as Headmaster and sent the proposals to the 4th respondent-District Educational Officer, Warangal for ratification enclosing the resolution passed by the management along with service particulars of the petitioner. The 4th respondent-District Educational Officer, Warangal in turn forwarded the said proposals to 3rd respondent- Regional Director of School Education, Warangal Region, who is the competent authority. However, the

3rd respondent-Regional Director of school Education by proceedings in Rc.No.5040/A2/91, dated 19-10-1991, approved promotion of the petitioner with effect from 25-04-1989.

It is stated that in the meanwhile, the petitioner went on leave for two months from 01-08-1991 to 22-09-1991. The 5th respondent did not pass any orders on the letter dated 27-09-1991 of the petitioner seeking to accord permission to joint duty. Though the petitioner joined duty on 30-09-1991, the In-charge Headmaster refused to handover charge. On appeal preferred before the 4th respondent-District Educational Officer, Warangal, by the petitioner, 4th respondent vide his proceedings Rc.No.19983/A5/91

dated 12-11-1991 directed 5th respondent to permit the petitioner to join duty. It is also stated that without implementing the orders of the 4th respondent-District Educational Officer, Warangal, the 5th respondent issued proceedings No.29/91-92

dated 27-11-1991 reverting the petitioner as School Assistant by making certain allegations. Therefore, the petitioner again approached the 4th respondent-District Educational Officer, Warangal and 3rd respondent-Regional Joint Director of School Education, Warangal Region and requested to do the needful. On instructions given by the 4th respondent-District Educational Officer, Warangal, the Deputy Educational Officer, Warangal conducted an enquiry into the allegations levelled against the petitioner by the correspondent in his reversion orders dated 27-11-1991. But in the enquiry, none of the allegations leveled against the petitioner were proved. The Deputy Educational Officer submitted his enquiry report to the 4th respondent-District Educational Officer, Warangal. Subsequently, the 3rd respondent-Regional Joint Director of School Education, Warangal Region vide proceedings in Rc.No.5040/A2/90,

dated 17-05-1993 directed the 4th respondent-District Educational Officer, Warangal, to instruct the 5th respondent to withdraw the reversion orders dated 27-11-1991 and also directed to pay the difference of pay and allowances to the petitioner. The 4th respondent-District Educational Officer, Warangal, passed the consequential orders in Rc.No.19883/A5/B1/91 dated 09-07-1993 directing the 5th respondent to handover charge of Head Master to the petitioner by withdrawing the reversion orders.

The 5th respondent, however, filed an appeal before the 2nd respondent Director of School Education, Hyderabad, on the ground that on the instructions of the 3rd respondent-Regional Joint Director of School Education, Warangal Region, the 4th respondent-District Educational Officer, Warangal passed the consequential orders but not on his own. The 2nd respondent-Directorate of School Education, Hyderabad vide proceedings in RC

No.2305/D1-4/93 dated 03-01-1998 stated that the 3rd respondent-Regional Director of School Education is the competent authority for approval of promotions in respect of Secondary schools and as there is nothing wrong in the action of the District Educational Officer, Warangal, his orders need not be set aside. Since the disciplinary action taken against the petitioner by the 5th respondent is not in consonance with the rules, the 2nd respondent-Director of School Education as directed the 5th respondent to implement the orders of the Regional Joint Director of

School Education as communicated by the District Educational Officer, Warangal within seven days. The case of the petitioner is that even though the 2nd respondent directed as stated above, the 5th respondent did not implement the same. Hence the present writ petition.

Heard both sides.

Learned counsel for the petitioner contended that in view of the interim orders passed by this Court in w.p.m.p.No.7330 of 1998 dated 28-04-1999, the petitioner was reinstated as Headmaster and ultimately retired on attaining the age of superannuation
on 30-09-2004. Therefore, in view of the submissions made by the learned counsel for the petitioner, nothing survives in the writ petition. However, the learned counsel for the petitioner contends that the Pay Revision Commission (PRC) intervened in the meanwhile was not implemented and the pay of the petitioner was not fixed in the cadre of Head Master. Therefore, the only direction that needs to be given to the respondents is to fix the pay of the petitioner effecting PRC 1996 in the cadre of Head Master and also pensionary benefits accrued thereon. The respondents are directed to complete this exercise within a period of three months from the date of receipt of a copy of the order and communicate the same to the petitioner.

With the above direction, the writ petition is disposed of. No costs.

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08-06-2005

Mjl/*

To,

1. The Secretary, Education Department, State of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2. The Director of School Education, Andhra Pradesh, Saifabad, Hyderabad.
3. Regional Joint Director of School Education, Warangal Region, Hanamakonda, Warangal District.
4. The District Educational Officer, Warangal District at Hanamakonda.
5. 2 CCs to G.P. for School Education, High Court buildings, Hyderabad.
6. 2 CD copies.